

Message Text

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21

ACTION EUR-12

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FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 2145

INFO AMEMBASSY BELGRADE

AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY MOSCOW

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSYWARSAW

USMISSION USBERLIN UNN

C O N F I D E N T I A L BERLIN 5329

E.O.11652: GDS

TAGS: PFOR, PGOV, PINT, CGEN, CPRS, GE, US, EFIN

SUBJECT: GDR TREATMENT OF INHERITANCES

1. WITH OVER A YEAR OF EXPERIENCE WITH THE DAY-TO-DAY SUBSTANCE OF CONSULAR BUSINESS IN EAST GERMANY, WE HAVE BECOME AWARE OF THE RECURRING PROBLEM OF INEQUITABLE TREATMENT BY THE GDR OF U.S. INTERESTS IN THE FIELD OF INHERITANCES. THIS WILL UNDOUBTEDLY BE DISCUSSED WITH THE GDR DURING THE NEGOTIATIONS ON CLAIMS AND OTHER FINANCIAL MATTERS, BUT THOSE TALKS MAY NOT OCCUR FOR SOME TIME. IN THE INTERIM, THE GDR BENEFITS FROM THIS NON-RECIPROCAL BEHAVIOR AND THE U.S. LOSES.

2. GDR REGULATIONS AS CURRENTLY APPLIED PREVENT THE EXPORT OF FUNDS FROM THE GDR, AND SHARPLY RESTRICT EXPORT OF TANGIBLE PROPERTY. THUS AMERICANS INHERITING
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FUNDS IN THE GDR, OR HAVING CONVERTED REAL OR OTHER

PROPERTY TO FUNDS, CANNOT EXPORT THE PROCEEDS. THEY MAY NOT, MOREOVER, FREELY DRAW SUCH FUNDS WITHIN THE GDR, BUT ARE LIMITED IN RESPECT TO THE AMOUNT AS WELL AS THE PURPOSE FOR WHICH THESE FUNDS MAY BE USED. IN ADDITION, ALTHOUGH IN PRINCIPLE INHERITED TANGIBLE PROPERTY MAY BE EXPORTED, THE EXPORT OF ART OBJECTS IS PROHIBITED. FURTHERMORE THERE IS NO ASSURANCE THAT THE GDR WOULD NOT ON OCCASION DECLARE SUCH ITEMS TO BE UNEXPORTABLE NATIONAL ART TREASURES.

3. TO THE EXTENT THAT GDR HERIS OF U.S. ESTATES CAN AND DO OBTAIN AND EXPORT THE PROCEEDS OF THEIR INHERITANCES, THERE IS SIGNIFICANT ASYMMETRY IN THE DISTRIBUTION OF BENEFITS UNDER INHERITANCE PROCEDURES, AND THIS IS AN INCREASING CAUSE OF FRUSTRATION TO AMERICAN CITIZENS WHO FEEL THEMSELVES INEQUITABLY TREATED.

4. WE ARE AWARE THAT THE PROBLEM IS NOT UNIQUE TO EAST GERMANY, OR INDEED TO EASTERN EUROPE, WE POINT THIS OUT, HOWEVER, IN REFLECTING ON RECIPROCITY AS A WHOLE IN OUR RELATIONSHIP, AND AS AN AREA WHICH COULD BECOME A SOURCE OF INCREASING CONGRESSIONAL ATTENTION AS WE EMBARK ON EFFORTS TO RESOLVE THE COMPLEX QUESTIONS INVOLVED IN CLAIMS MATTERS.COOPER

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